

**Federal Defenders
OF NEW YORK, INC.**

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VIA ECF

The Honorable Vernon S. Broderick
Southern District of New York
40 Foley Square
New York, NY 10007

**APPLICATION GRANTED
SO ORDERED *Vern Brod***
VERNON S. BRODERICK
U.S.D.J. 7/25/2025

Re: United States v. Dana McCann
20 Cr 58 (VSB)

Dear Judge Broderick:

I write to respectfully request that the Court dismiss the specifications pending against Mr. McCann and terminate his supervision in the interest of justice. The Government does not take a position while Probation opposes.¹ Mr. McCann is 73 years and is currently serving a 20-year sentence in Florida for a fraud committed while he was working at a used-car lot. His current release date is June 9, 2038, when he will be 86 years old. See Ex. A. Mr. McCann's supervision commenced on July 15, 2021, and was meant to terminate on July 14, 2022, but it has been tolled while the violations for his Florida offense (the same that resulted in the 20-year sentence), has been pending. See Ex. A (VOSR). Given Mr. McCann's age, the fact that he had only three months remaining on his term of supervised release in Florida, and the fact that Mr. McCann will be incarcerated for the foreseeable future, all favor dismissing the specifications and terminating Mr. McCann's supervision.

**The Court has the authority to terminate supervision and should do so in
the interest of justice**

Upon consideration of the factors set out in 18 U.S.C. § 3553(a), the Court has the authority to terminate supervision any time after the expiration of one year if termination "is warranted by . . . the interests of justice." 18 U.S.C. § 3583(e). Mr.

¹ As the Court may remember, I am leaving the Federal Defenders of New York next week. As such, the defense respectfully requests that this motion be decided on the papers rather than scheduling argument.

McCann was sentenced to 24 months by this Court on June 2, 2020, which Mr. McCann completed without incident. He began his supervised release term on July 15, 2021. Ex. B at 1. Accordingly, the Court has statutory discretion to terminate his supervision.

Mr. McCann is serving a lengthy sentence out of the District, but the federal hold on him due to the violation of supervised release may affect his ability to complete programs, earn good time credit, and move to lower security Florida facilities. He will be 86 years old in the event he is able to complete his sentence despite his serious health conditions described in the Presentence Report compiled in his original case. Given his age, the length remaining on his Florida sentence, the long period of tolling that has already occurred, and the collateral consequences of the federal hold, the strong likelihood of a concurrent or time served sentence on the VOSR (given the lengthy jail term imposed), the defense respectfully requests the Court dismiss the pending speculations and terminate Mr. McCann's supervised release in the interest of justice. Thank you for your consideration of this request.

Respectfully submitted,


/s/

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cc: AUSA Emily Johnson, Esq.